

Exhibit B

34TH DISTRICT COURT
CASE SUMMARY
CASE NO. 2022DCV1588

HECTOR FLORES
VS.
LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a
LOWE'S HOME IMPROVEMENT #1137

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Location: 34th District Court
Judicial Officer: Moody, William E.
Filed on: 05/26/2022

CASE INFORMATION

Case Type: Other Injury or Damage

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 2022DCV1588
Court 34th District Court
Date Assigned 05/26/2022
Judicial Officer Moody, William E.

PARTY INFORMATION

Plaintiff

FLORES, HECTOR

Lead Attorneys
LABINOTTI, DANIELA
Retained
915-581-4600(W)

Defendant

LOWE'S HOME CENTERS, L.L.C.

GANT, ROBIN RENEE
Retained
214-379-6900(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


EVENTS


05/26/2022 Original Petition (OCA)


05/26/2022  Case Information Sheet
Civil Case Information Sheet / NC


05/26/2022  E-File Event Original Filing
Plaintiff's Original Petition / NC

05/26/2022  Request
Citation Request / NC

06/13/2022  Affidavit of Service
Lowes Home Centers LLC/ No Citation Attached / kh

06/27/2022  Answer
Party: Defendant LOWE'S HOME CENTERS, L.L.C.
atty Robin R Gant for Def Lowes /AG

07/20/2022  Certificate of Service
/ PLAINTIFF / KMM

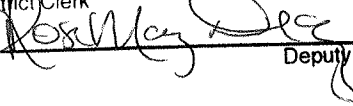
07/27/2022  Certificate of Service
/ PLAINTIFF / KMM



34TH DISTRICT COURT
CASE SUMMARY
CASE NO. 2022DCV1588

| | |
|------------|---|
| 07/27/2022 |  Witness List <i>AND PERSONS WITH RELEVANT KNOWLEDGE / PLAINTIFF / KMM</i> |
| 07/27/2022 |  Designation of Expert Witness <i>/ PLAINTIFF / KMM</i> |
| 07/27/2022 |  Exhibit List <i>/ PLAINTIFF / KMM</i> |
| 07/27/2022 |  Amended Petition <i>/ FIRST / PLAINTIFF / KMM</i> |
| 06/06/2022 | Citation  LOWE'S HOME CENTERS, L.L.C. Served: 06/06/2022 <i>EMAILED TObiancam@labinotilaw.com, daniela@labinotilaw.com, suetta@labinotilaw.com / KMM</i> |

| DATE | FINANCIAL INFORMATION |
|------|---|
| | Plaintiff FLORES, HECTOR |
| | Total Charges 358.00 |
| | Total Payments and Credits 358.00 |
| | Balance Due as of 8/11/2022 0.00 |

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY  Deputy



AUG 11 2022

IN THE 34th JUDICIAL DISTRICT COURT
IN EL PASO COUNTY, TEXAS

HECTOR FLORES,

Plaintiff,

vs.

LOWE'S HOME CENTERS, L.L.C. a/k/a
LOWE'S d/b/a LOWE'S HOME
IMPROVEMENT #1137,

Defendant,

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Cause No.: 2022-DCV-1588

PLAINTIFF'S FIRST AMENDED PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW HECTOR FLORES (hereinafter referred to as "Plaintiff"), complaining of LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137 (hereinafter referred to as "Defendant LOWE'S #1137"), and for a cause of action would respectfully show the Court as follows:

I.
DISCOVERY CONTROL PLAN

Pursuant to Rule 190, discovery in this case will be conducted in Level 3.

II.
PARTIES AND SERVICE

Plaintiff HECTOR FLORES is a resident of El Paso County, Texas.

Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137 has previously been served and has responded through their attorneys of record: Robin R. Gant, Zach T. Mayer, and Joseph E. Casseb, of Mayer, L.L.P., 750 Saint Paul Street, Suite #700, Dallas, Texas 75201.



III.
VENUE AND JURISDICTION

The subject matter in controversy is within the jurisdictional limits of this Court. The Court has jurisdiction over this matter in that Plaintiff is a Texas resident and Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137 does business in the State of Texas. Venue in El Paso County, Texas is proper in this cause under Section §15.002(a) of the Texas Rules of Civil Procedure because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in the county.

IV.
FACTUAL BACKGROUND

The injuries and damages suffered by Plaintiff HECTOR FLORES and made the basis of this action arose out of an incident which occurred on or about June 10, 2020, in El Paso County, Texas, specifically, at Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137's store located at 4531 Woodrow Bean Drive, El Paso, Texas 79924. This store is owned, run, and operated by Defendant LOWE's. As such, Plaintiff invokes the doctrine of *responseat superior* and/or vicarious liability.

On June 10, 2020, Plaintiff HECTOR FLORES was an invitee at the store in question. Plaintiff had entered Aisle 13 of Defendant LOWE'S #1137's property and was attempting to locate small drains for a project he had been completing. Plaintiff had knelt down to the floor to examine large bins, which were located at floor level, and that contained various drain coverings.

As Plaintiff FLORES was getting up from the floor, a large box fell out from a bin located on a shelf directly above Plaintiff and hit him in the face.

As a result of the incident, Plaintiff sustained severe injuries to his body.



At such time, Plaintiff was an invitee to whom Defendant owed a duty to use reasonable care, including the duty to protect and safeguard Plaintiff from unreasonably dangerous conditions on the premises and/or to warn of their existence.

The store in question is under the sole control of Defendant. Employees of Defendant are responsible for providing a safe place for customers. Defendant has a duty to keep their premise safe for invitees such as the Plaintiff. Defendant failed in this duty.

Defendant is vicariously liable for all acts/or omissions of negligence committed by their store managers, and any and all employees, officers, or agents of Defendant, which were the proximate cause of all damages suffered by Plaintiff.

As a result of the occurrence, Plaintiff sustained substantial injuries and damages.

V.

PLAINTIFF'S CLAIMS OF PREMISE LIABILITY AGAINST DEFENDANT LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137

Plaintiff would show that her injuries and damages were caused by the negligence of Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137. Plaintiff would show that said Defendant LOWE'S #1137 owed him a duty of reasonable care, and Defendant's breach of such duty was a proximate cause of Plaintiff's injuries and damages. Defendant was negligent by breaching this duty to the Plaintiff in one or more of the following alternative theories of negligence:

1. Failure to maintain the property to prevent a danger to invitees such as the Plaintiff.
2. Failure to properly inspect the property and eliminate the dangerous condition on the premise.
3. Failure to warn invitees of the potentially dangerous conditions.
4. Failure to implement safety precautions to prevent injuries to invitees.
5. Failure to assure that all employees complied with and followed all safety precautions to prevent injuries to invitees.
6. Failure to correct the dangerous conditions that existed on the premises at the time in question.



7. Negligent training and supervision by management and Defendant on the proper and safe procedures for handling stacking or displaying of merchandise in a safe manner on the premises.
8. Failure to put warning signs out for customers and invitees warning them of the dangerous condition.
9. Other negligence.

Each of which acts and/or omissions referenced above was other than what a reasonable and prudent person would have been doing under the same or similar circumstances and was a proximate cause of Plaintiff's injuries and damages.

It is foreseeable that failing to properly inspect and/or maintain the premises to discover and resolve the dangerous conditions, could cause harm to customers, and invites including the Plaintiff; nevertheless, Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137's employees ignored the risk and acted with reckless disregard to the safety of the public.

VI.

PLAINTIFF'S CLAIM OF VICARIOUS LIABILITY AGAINST DEFENDANT LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137

Alternatively, and without waiving the foregoing, Plaintiff would show that Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137 is liable for the damages and injuries which were caused by the negligence and other wrongful conduct of its employees, agents, managers, officers, and/or representatives. Defendant LOWE'S #1137 is liable for the acts and/or omissions of their employees, agents, managers, officers, and/or representatives. In addition, Defendant LOWE'S #1137 owed a duty of care to Plaintiff because of Defendant's right of control, which arose through the course of dealing. Defendant LOWE'S #1137 is liable under the *respondeat superior*; master/servant, principal/agent.



VII.
PLAINTIFF'S DAMAGES

As a direct result of the occurrence, Plaintiff suffered bodily injuries. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, nursing services, attention, and other expenses. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff and the charges made and to be made were the usual and customary charges for such services. Plaintiff will require further medical care, nursing services, and attention, and will necessarily incur reasonable expenses in the future for such medical needs.

Plaintiff has suffered extreme pain and suffering in the past and Plaintiff will continue to suffer pain and suffering in the future. Plaintiff has suffered mental anguish in the past and will continue to suffer mental anguish in the future. As a result of the occurrence, Plaintiff has suffered and will continue to suffer impairment to his body. Plaintiff has suffered disfigurement. Additionally, Plaintiff has suffered from a loss of wages and a loss of earning capacity. As a result of the occurrence, Plaintiff has suffered within the jurisdictional limits of this Court and requests monetary relief of over \$1,000,000.00.

VIII.
RELIEF REQUESTED

Pursuant to Tex. R. Civ. P. 47(c), Plaintiff is required to plead the maximum amount of damages sought, however, some damages are unliquidated and cannot be easily calculated in monetary terms. In addition, discovery has not yet begun and the extend of Plaintiff's future damages is still being determined. At the early stage of the proceedings, Plaintiff requests that the jury be fair and reasonable in its determination of damages in an amount of relief over \$1,000,000.00.



IX.
JURY DEMAND

Plaintiff respectfully requests a trial by jury of the issues of this case.

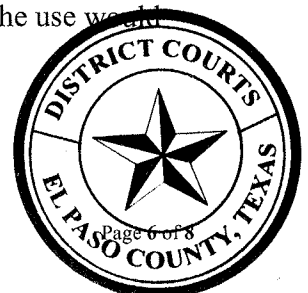
X.

Plaintiff hereby notifies Defendant that Plaintiff intends to use Defendant's discovery answers and responses, including any evidence produced in responses to such discovery, as evidence in trial in accordance with such right and privileges established by Tex. R. Civ. P. 193.7.

XI.
REQUEST FOR INITIAL DISCLOSURES TO DEFENDANT
DUTY TO DISCLOSE WITHIN 30 DAYS OF THE SERVICES.

PLEASE BE ADVISED THAT UNDER TEXAS RULE 194, YOU MUST PRODUCE AND PROVIDE THE REQUIRED DISCLOSURES WITHIN 30 DAYS OF SERVICE:

- (a) **Time for Initial Disclosures.** A party must make the initial disclosures within 30 days after the filing of the first answer or general appearance unless a different time is set by the parties' agreement or court order. A party that is first served or otherwise joined after the filing of the first answer or general appearance must make the initial disclosures within 30 days after being served or joined.
- (b) **Content.** Without awaiting a discovery request, Aa party may request disclosure of any or all of the following must provide to the other parties:
 - (1) the correct names of the parties to the lawsuit.
 - (2) the name, address, and telephone number of any potential parties;
 - (3) the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial);
 - (4) the amount and any method of calculating economic damages;
 - (5) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
 - (6) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment;
 - (7) any indemnity and insuring agreements described in Rule 192.3(f);
 - (8) any settlement agreements described in Rule 192.3(g);



- (9) any witness statements described in Rule 192.3(h);
- (10) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (11) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and
- (12) the name, address, and telephone number of any person who may be designated as a responsible third party.

194.3 Testifying Expert Disclosures.

In addition to the disclosures required by Rule 194.2, a party must disclose to the other parties testifying expert information as provided by Rule 195.

Disclosures. Without awaiting a discovery request, a party must provide the following for any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information.
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party.

XII. CONCLUSION AND PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendant for all relief requested, for costs, pre-judgment, and post judgment interest and for such other relief, general and special, at law or in equity, to which Plaintiff is entitled to relief of over \$1,000,000.00.



Respectfully submitted,

LAW FIRM OF DANIELA LABINOTI, P.C.

707 Myrtle Avenue
El Paso, Texas 79901
(915) 581-4600- Voice
(915) 581-4605- Fax
daniela@labinotilaw.com

/s/ Daniela Labinoti

DANIELA LABINOTI

Texas State Bar No. 24050900

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2022, a true and correct copy of the foregoing document was delivered to:

Robin R. Gant
Zach T. Mayer
Joseph E. Casseb
Mayer, L.L.P.
750 North Saint Paul Street, Suite #700
Dallas, Texas 75201
1(214)379-6900- Telephone
1(214)379-6939- Facsimile
rgant@mayerllp.com
zmayer@mayerllp.com
jcasseb@mayerllp.com
*Attorney for Defendant Lowe's Home
Centers, L.L.C. d/k/a Lowe's d/b/a
Lowe's Home Improvement #1137*

/s/ Daniela Labinoti

DANIELA LABINOTI

DL/bm

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY [Signature] Deputy



AUG 11 2022

Automated Certificate of eService

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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717295

Status as of 7/27/2022 12:19 PM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|-----------------------|--------|
| Daniela Labinoti | | daniela@labinotilaw.com | 7/27/2022 10:59:46 AM | SENT |
| Danny Leal | | danny@labinotilaw.com | 7/27/2022 10:59:46 AM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 7/27/2022 10:59:46 AM | SENT |
| Bianca Martinez | | biancam@labinotilaw.com | 7/27/2022 10:59:46 AM | SENT |



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Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------------|-----------|------------------------------|-----------------------|--------|
| Tramaine Francis-Luster | | TFrancis-Luster@mayerllp.com | 7/27/2022 10:59:46 AM | SENT |



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Bar No. 24050900

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Associated Case Party: LOWE'S HOME CENTERS, L.L.C.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|-----------------------|--------|
| Robin Gant | | rgant@mayerllp.com | 7/27/2022 10:59:46 AM | SENT |
| Joseph Casseb | | jcasseb@mayerllp.com | 7/27/2022 10:59:46 AM | SENT |



records with

page 1 of 3



- Exhibit 9- M & S Radiology Associates, P.A. Billing Records with Affidavit
- Exhibit 10- University Medical Center of El Paso Medical and Billing Records with Affidavits
- Exhibit 11- Texas Tech University Health Sciences Center Billing Records with Affidavits
- Exhibit 12- Sun City Orthopaedic & Hand Surgery Specialists Medical and Billing Records with Affidavits
- Exhibit 13- Border Therapy Services Medical and Billing Records with Affidavits
- Exhibit 14- West Texas Pain Institute Medical and Billing Records with Affidavits
- Exhibit 15- Southwest X-Ray Medical and Billing Records with Affidavits
- Exhibit 16- Zoom Video Recording of Plaintiff Hector Flores
- Exhibit 17- Plaintiff Hector Flores' Impairment Exhibit
- Exhibit 18- Plaintiff Hector Flores' Lost Wages Exhibit
- Exhibit 19- Plaintiff Hector Flores' Elements of Economic Damage Exhibit

Also see pleadings, depositions, deposition exhibits, exhibit lists, witness lists, Answers to Interrogatories, Responses to Request for Admissions, Responses to Request for Production, Responses to Request for Disclosure and all documents, records, exhibits, notes, and other tangible items filed by all parties in this case.

Respectfully submitted,

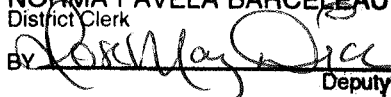
LAW FIRM OF DANIELA LABINOTI, P.C.

707 Myrtle Avenue
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daniela@labinotilaw.com

/s/ Daniela Labinoti

DANIELA LABINOTI

Texas State Bar No. 24050900

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY  Deputy

Hector Flores vs. Lowe's Home Centers, L.L.C. d/k/a Lowe's d/b/a Lowe's Home Improvement #1137
Plaintiff's Exhibit List



AUG 11 2022

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2022, a true and correct copy of the foregoing document was delivered to:

Robin R. Gant
Zach T. Mayer
Joseph E. Casseb
Mayer, L.L.P.
750 North Saint Paul Street, Suite #700
Dallas, Texas 75201
1(214)379-6900- Telephone
1(214)379-6939- Facsimile
rgant@mayerllp.com
zmayer@mayerllp.com
jcasseb@mayerllp.com
*Attorney for Defendant Lowe's Home
Centers, L.L.C. d/k/a Lowe's d/b/a
Lowe's Home Improvement #1137*

/s/ Daniela Labinoti
DANIELA LABINOTI

DL/bm



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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Associated Case Party: LOWE'S HOME CENTERS, L.L.C.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|-----------------------|--------|
| Robin Gant | | rgant@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |
| Joseph Casseb | | jcasseb@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |



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daniela@labinotilaw.com

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Associated Case Party: HECTOR FLORES

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| Daniela Labinoti | | daniela@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Bianca Martinez | | biancam@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Danny Leal | | danny@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
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IN THE 34th JUDICIAL DISTRICT COURT
IN EL PASO COUNTY, TEXAS

HECTOR FLORES,

Plaintiff,

vs.

LOWE'S HOME CENTERS, L.L.C. a/k/a
LOWE'S d/b/a LOWE'S HOME
IMPROVEMENT #1137,

Defendant,

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Cause No.: 2022-DCV-1588

PLAINTIFF'S DESIGNATION OF NON-RETAINED EXPERTS

COMES NOW HECTOR FLORES, Plaintiff in the above entitled and numbered cause
and files this his Designation of Non-Retained Experts as follows:

PLAINTIFF'S NON-RETAINED EXPERTS

M&M Home Service

9024 Mount Shasta
El Paso, Texas 79904
(915)791-2886

Plaintiff's Employer. Will testify to Plaintiff's damages and injuries and the
amount of time Plaintiff Flores lost from work.

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
Dominion Ambulance, L.L.C.**

155 North San Marcial Street
El Paso, Texas 79905
(915)351-3903

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past
and future medical bills, physical limitations and restrictions, past and future
impairment, and past and future pain and suffering and mental anguish.

**Dr. Adam Lukasik, M.D.
Dr. Joseph Sutcliffe, M.D.
Marallys Davila
Albert De Santos
James Dimaala**



Eva Flores

Azaneth Guerrero

Zita Rosella

Maria Christina Butz (Custodian of Records)

Physicians, nurses, employees, personnel, and custodian of record(s) of:

The Hospitals of Providence Northeast Campus

11274 McCombs Street

El Paso, Texas 79934

(915)242-2400

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Linda Martinez (Custodian of Records)

Physicians, nurses, employees, personnel, and custodian of record(s) of:

Pearsall Emergency Medicine Associates, P.A.

13600 Horizon Boulevard, Suite #100

Horizon City, Texas 79928

(915)407-7878

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Physicians, nurses, employees, personnel, and custodian of record(s) of:

M & S Radiology Associates

8715 Village Drive, Suite #508

San Antonio, Texas 78217

1(210)455-0167

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Maria Ahmad, M.D.

Dr. Humera Chaudhary, M.D.

Dr. Jose Gavito-Higuera, M.D.

Dr. Phoebe Lee, M.D.

Dr. Susan McLean, M.D.

Dr. Brett Truילender, M.D.

Dr. Enrique Villalobos, M.D.

Dr. John Marr, D.O.

Dr. David Fallas, D.D.S.

Angela Orozco, A.G.A.C.N.P.

Iris Cangras, R.N.

Ivy D'Yai, R.N.

Ruby Garcia, R.N.

Griselda Gonzalez, R.N.



Elizabeth Grajeda, R.N.
Jennifer Kuiper, R.N.
Ashley Lopez, R.N.
Frank Mendez, R.N.
Eliana Olvera, R.N.
Jazmin Proo, R.N.
Patricia Sanchez, R.N.
Arturo Villalobos, R.N.
Ana Alfaro, N.A.
Jose Caldera, N.A.
Araceli Murga, C.N.A.
Jesus Urquidi, N.A.
Keith Cardona, P.T.
Claudia Florez
Vivian Granados
Monica Sedillo
Martha Williams
Michelle Lorilla (Custodian of Records)
Belinda Vasquez (Custodian of Records)
Physicians, nurses, employees, personnel, and custodian of record(s) of:
University Medical Center of El Paso
4815 Alameda Avenue
El Paso, Texas 79905
(915)544-1200
Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Humera Chaudhary, M.D.
Dr. Jose Gavito-Higuera, M.D.
Dr. Susan McLean, M.D.
Dr. David Fallah, D.D.S.
Angela Orozco, A.G.A.C.N.P.
Ana Deslongchamps (Custodian of Records)
Physicians, nurses, employees, personnel, and custodian of record(s) of:
Texas Tech University Health Sciences Center
4801 Alberta Avenue
El Paso, Texas 79905
(915)215-5700
Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Adam Bevevino, M.D.
Dr. Eric Sides, M.D.
Javier Aguilar



Stephanie Panduro (Custodian of Records)

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
Sun City Orthopaedic & Hand Surgery Specialists**

1400 George Dieter Drive, Suite #100

El Paso, Texas 79936

(915)581-0712

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

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Viviana Rios, P.T.

Elizabeth Fuentes, P.T.A.

Samantha Garza

Robyn Enz, (Custodian of Records)

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
Border Therapy Services**

11380 Gateway North Boulevard, Suite #101

El Paso, Texas 79934

(915)317-1145

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Raul Josue Lopez, M.D.

Gabriela Martinez, F.N.P.

Albert C. Torres, F.N.P.

Maria Ramirez (Custodian of Records)

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
West Texas Pain Institute**

7878 Gateway WEast Boulevard, Suite #402

El Paso, Texas 79915

(915)313-4443

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Kyong Ko, M.D.

Dr. Thomas D. Spera, M.D.

Iliana Guevara, F.N.P.

Vanessa Chaparro (Custodian of Records)

Physicians, nurses, employees, personnel, and custodian of record(s) of:



Southwest X-Ray

9870 Gateway North Boulevard, Suite E

El Paso, Texas 79924

(915)244-7300

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
County Line Medical Services, Inc.**

545 South County Line Drive

Chaparral, New Mexico 88081

1(575)824-5007

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**Physicians, nurses, employees, personnel, and custodian of record(s) of:
Advanced Neurology**

7100 Westwind Drive, Suite #300

El Paso, Texas 79912

(915)974-2200

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

And any other person or expert:

- (a) who has been or will be named by any party in any answer to interrogatory.
- (b) whose name appears on any document which has been or will be produced by any party in any response to request for production.
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- (d) whose name is reflected in any document which has been or will be submitted to the Court by affidavit.
- (e) whose name is reflected in any document which has been or will be subpoenaed by any party.
- (f) whose name appears in the transcript of any deposition taken in this matter.
- (g) whose name is reflected in any document which has been or will be attached to the transcript of any deposition.

Other witnesses disclosed by either party during discovery. Plaintiff reserves the right to call any, and all witnesses disclosed or listed by the Defendant.

Plaintiff reserves the right to call and question any and all experts designated by Defendant in this matter and/or called by Defendant.



Respectfully submitted,

LAW FIRM OF DANIELA LABINOTI, P.C.

707 Myrtle Avenue
El Paso, Texas 79901
(915) 581-4600- Voice
(915) 581-4605- Fax
daniela@labinotilaw.com

/s/ Daniela Labinoti

DANIELA LABINOTI

Texas State Bar No. 24050900

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2022, a true and correct copy of the foregoing document was delivered to:

Robin R. Gant
Zach T. Mayer
Joseph E. Casseb
Mayer, L.L.P.
750 North Saint Paul Street, Suite #700
Dallas, Texas 75201
1(214)379-6900- Telephone
1(214)379-6939- Facsimile
rgant@mayerllp.com
zmayer@mayerllp.com
jcasseb@mayerllp.com
*Attorney for Defendant Lowe's Home
Centers, L.L.C. d/k/a Lowe's d/b/a
Lowe's Home Improvement #1137*

/s/ Daniela Labinoti

DANIELA LABINOTI

DL/bm

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY *[Signature]* Deputy

Hector Flores vs. Lowe's Home Centers, L.L.C. d/b/a Lowe's d/b/a Lowe's Home Improvement #1137
Plaintiff's Designation of Non-Retained Experts



AUG 11 2022

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Associated Case Party: LOWE'S HOME CENTERS, L.L.C.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|-----------------------|--------|
| Robin Gant | | rgant@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |
| Joseph Casseb | | jcasseb@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |



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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|-----------------------|--------|
| Daniela Labinoti | | daniela@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Bianca Martinez | | biancam@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Danny Leal | | danny@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |



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Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------------|-----------|------------------------------|-----------------------|--------|
| Tramaine Francis-Luster | | TFrancis-Luster@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |



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Page 1 of 12

**Employees of Defendant Lowe's Home Centers, L.L.C. d/k/a Lowe's d/b/a
Lowe's Home Improvement #1137**

c/o Robin R. Gant

Zach T. Mayer

Joseph Casseb

Mayer, L.L.P.

750 North Saint Paul Street, Suite #700

Dallas, Texas 75201

Employees of Defendant. Will testify regarding Defendant's negligence,
Plaintiff's injuries and Plaintiff's claims and damages.

Claudia Flores

428 Paloma Blanca, Space #2

Chaparral, New Mexico 88081

(915)226-2807

Spouse of Plaintiff Hector Flores. Will testify regarding her knowledge of the
incident in question, Defendant's negligence, Plaintiff's injuries, damages, mental
anguish, and pain and suffering.

Claudia Yvette Flores

428 Paloma Blanca, Space #2

Chaparral, New Mexico 88081

(915)407-6904

Daughter of Plaintiff Hector Flores. Will testify regarding her knowledge of the
incident in question, Defendant's negligence, Plaintiff's injuries, damages, mental
anguish, and pain and suffering.

Hector Flores, Jr.

428 Paloma Blanca, Space #2

Chaparral, New Mexico 88081

(915)407-6904

Son of Plaintiff Hector Flores. Will testify regarding her knowledge of the
incident in question, Defendant's negligence, Plaintiff's injuries, damages, mental
anguish, and pain and suffering.

Escolastica Flores

#9024 Mount Shasta

El Paso, Texas 79904

(915)757-9745

Mother of Plaintiff Hector Flores. Will testify regarding her knowledge of the
incident in question, Defendant's negligence, Plaintiff's injuries, damages, mental
anguish, and pain and suffering.

Martin Flores

#9024 Mount Shasta

El Paso, Texas 79904



(915)791-2886

Brother of Plaintiff Hector Flores and Plaintiff's Employer. Will testify regarding his knowledge of the incident in question, Defendant's negligence, Plaintiff's injuries, damages, mental anguish, pain and suffering, and the amount of time Plaintiff Flores lost from work.

M&M Home Service

9024 Mount Shasta
El Paso, Texas 79904
(915)791-2886

Plaintiff's Employer. Will testify to Plaintiff's damages and injuries and the amount of time Plaintiff Flores lost from work.

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
Dominion Ambulance, L.L.C.**

155 North San Marcial Street
El Paso, Texas 79905
(915)351-3903

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Adam Lukasik, M.D.

Dr. Joseph Sutcliffe, M.D.

Marallys Davila

Albert De Santos

James Dimaala

Eva Flores

Azaneth Guerrero

Zita Rosella

Maria Christina Butz (Custodian of Records)

Physicians, nurses, employees, personnel, and custodian of record(s) of:

The Hospitals of Providence Northeast Campus

11274 McCombs Street
El Paso, Texas 79934
(915)242-2400

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Linda Martinez (Custodian of Records)

Physicians, nurses, employees, personnel, and custodian of record(s) of:

Pearsall Emergency Medicine Associates, P.A.

13600 Horizon Boulevard, Suite #100
Horizon City, Texas 79928
(915)407-7878



Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Physicians, nurses, employees, personnel, and custodian of record(s) of:

M & S Radiology Associates

8715 Village Drive, Suite #508

San Antonio, Texas 78217

1(210)455-0167

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Maria Ahmad, M.D.

Dr. Humera Chaudhary, M.D.

Dr. Jose Gavito-Higuera, M.D.

Dr. Phoebe Lee, M.D.

Dr. Susan McLean, M.D.

Dr. Brett Truילender, M.D.

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Jazmin Proo, R.N.

Patricia Sanchez, R.N.

Arturo Villalobos, R.N.

Ana Alfaro, N.A.

Jose Caldera, N.A.

Araceli Murga, C.N.A.

Jesus Urquidi, N.A.

Keith Cardona, P.T.

Claudia Florez

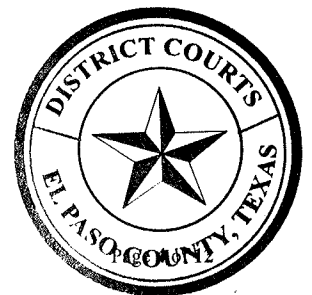
Vivian Granados

Monica Sedillo

Martha Williams

Michelle Lorilla (Custodian of Records)

Belinda Vasquez (Custodian of Records)



**Physicians, nurses, employees, personnel, and custodian of record(s) of:
University Medical Center of El Paso**

4815 Alameda Avenue

El Paso, Texas 79905

(915)544-1200

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Humera Chaudhary, M.D.

Dr. Jose Gavito-Higuera, M.D.

Dr. Susan McLean, M.D.

Dr. David Fallah, D.D.S.

Angela Orozco, A.G.A.C.N.P.

Ana Deslongchamps (Custodian of Records)

Physicians, nurses, employees, personnel, and custodian of record(s) of:

Texas Tech University Health Sciences Center

4801 Alberta Avenue

El Paso, Texas 79905

(915)215-5700

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Adam Bebevino, M.D.

Dr. Eric Sides, M.D.

Javier Aguilar

Stephanie Panduro (Custodian of Records)

Physicians, nurses, employees, personnel, and custodian of record(s) of:

Sun City Orthopaedic & Hand Surgery Specialists

1400 George Dieter Drive, Suite #100

El Paso, Texas 79936

(915)581-0712

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

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Sarah Ortiz, P.T.

Viviana Rios, P.T.

Elizabeth Fuentes, P.T.A.

Samantha Garza

Robyn Enz, (Custodian of Records)



**Physicians, nurses, employees, personnel, and custodian of record(s) of:
Border Therapy Services**

11380 Gateway North Boulevard, Suite #101

El Paso, Texas 79934

(915)317-1145

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Raul Josue Lopez, M.D.

Gabriela Martinez, F.N.P.

Albert C. Torres, F.N.P.

Maria Ramirez (Custodian of Records)

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
West Texas Pain Institute**

7878 Gateway WEast Boulevard, Suite #402

El Paso, Texas 79915

(915)313-4443

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

Dr. Kyong Ko, M.D.

Dr. Thomas D. Spera, M.D.

Iliana Guevara, F.N.P.

Vanessa Chaparro (Custodian of Records)

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
Southwest X-Ray**

9870 Gateway North Boulevard, Suite E

El Paso, Texas 79924

(915)244-7300

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

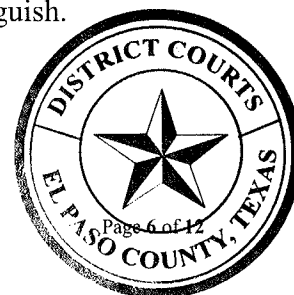
**Physicians, nurses, employees, personnel, and custodian of record(s) of:
County Line Medical Services, Inc.**

545 South County Line Drive

Chaparral, New Mexico 88081

1(575)824-5007

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.



**Physicians, nurses, employees, personnel, and custodian of record(s) of:
Advanced Neurology**

7100 Westwind Drive, Suite #300

El Paso, Texas 79912

(915)974-2200

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

PLAINTIFF'S NON-RETAINED EXPERTS

M&M Home Service

9024 Mount Shasta

El Paso, Texas 79904

(915)791-2886

Plaintiff's Employer. Will testify to Plaintiff's damages and injuries and the amount of time Plaintiff Flores lost from work.

**Physicians, nurses, employees, personnel, and custodian of record(s) of:
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155 North San Marcial Street

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Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

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James Dimaala

Eva Flores

Azaneth Guerrero

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13600 Horizon Boulevard, Suite #100

Horizon City, Texas 79928

(915)407-7878

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

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8715 Village Drive, Suite #508

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1(210)455-0167

Plaintiff's Medical Provider. Will testify concerning Plaintiff's injuries, past and future medical bills, physical limitations and restrictions, past and future impairment, and past and future pain and suffering and mental anguish.

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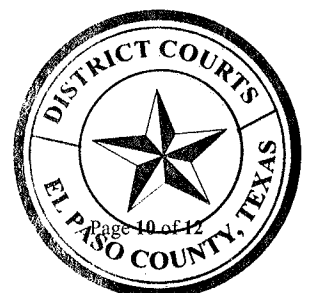
Physicians, nurses, employees, personnel, and custodian of record(s) of:

County Line Medical Services, Inc.

545 South County Line Drive

Chaparral, New Mexico 88081

1(575)824-5007



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Advanced Neurology

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El Paso, Texas 79912

(915)974-2200

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And any other person or expert:

- (a) who has been or will be named by any party in any answer to interrogatory.
- (b) whose name appears on any document which has been or will be produced by any party in any response to request for production.
- (c) whose name is reflected in any document which has been or will be obtained through the use of medical authorization.
- (d) whose name is reflected in any document which has been or will be submitted to the Court by affidavit.
- (e) whose name is reflected in any document which has been or will be subpoenaed by any party.
- (f) whose name appears in the transcript of any deposition taken in this matter.
- (g) whose name is reflected in any document which has been or will be attached to the transcript of any deposition.

Other witnesses disclosed by either party during discovery. Plaintiff reserves the right to call any, and all witnesses disclosed or listed by the Defendant.

Plaintiff reserves the right to call and question any and all experts designated by Defendant in this matter and/or called by Defendant.



Respectfully submitted,

LAW FIRM OF DANIELA LABINOTI, P.C.

707 Myrtle Avenue
El Paso, Texas 79901
(915) 581-4600- Voice
(915) 581-4605- Fax
daniela@labinotilaw.com

/s/ Daniela Labinoti

DANIELA LABINOTI

Texas State Bar No. 24050900

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2022, a true and correct copy of the foregoing document was delivered to:

Robin R. Gant
Zach T. Mayer
Joseph E. Casseb
Mayer, L.L.P.
750 North Saint Paul Street, Suite #700
Dallas, Texas 75201
1(214)379-6900- Telephone
1(214)379-6939- Facsimile
rgant@mayerllp.com
zmayer@mayerllp.com
jcasseb@mayerllp.com
*Attorney for Defendant Lowe's Home
Centers, L.L.C. d/k/a Lowe's d/b/a
Lowe's Home Improvement #1137*

/s/ Daniela Labinoti

DANIELA LABINOTI

DL/bm

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY *[Signature]* Deputy

AUG 11 2022



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Associated Case Party: LOWE'S HOME CENTERS, L.L.C.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|-----------------------|--------|
| Robin Gant | | rgant@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |
| Joseph Casseb | | jcasseb@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|-----------------------|--------|
| Daniela Labinoti | | daniela@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Bianca Martinez | | biancam@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Danny Leal | | danny@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |



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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------------|-----------|------------------------------|-----------------------|--------|
| Tramaine Francis-Luster | | TFrancis-Luster@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |





CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2022, a true and correct copy of the foregoing document was delivered to:

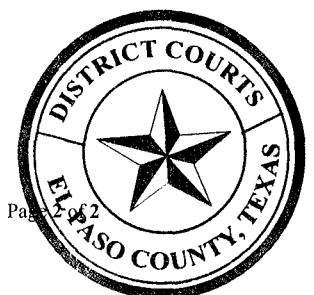
Robin R. Gant
Zach T. Mayer
Joseph E. Casseb
Mayer, L.L.P.
750 North Saint Paul Street, Suite #700
Dallas, Texas 75201
1(214)379-6900- Telephone
1(214)379-6939- Facsimile
rgant@mayerllp.com
zmayer@mayerllp.com
jcasseb@mayerllp.com
*Attorney for Defendant Lowe's Home
Centers, L.L.C. d/k/a Lowe's d/b/a
Lowe's Home Improvement #1137*

/s/ Daniela Labinoti
DANIELA LABINOTI

DL/bm

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY *Rosa May De la Cruz*
Deputy

AUG 11 2022



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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|-----------------------|--------|
| Daniela Labinoti | | daniela@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Danny Leal | | danny@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |
| Bianca Martinez | | biancam@labinotilaw.com | 7/27/2022 10:55:33 AM | SENT |



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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------------|-----------|------------------------------|-----------------------|--------|
| Tramaine Francis-Luster | | TFrancis-Luster@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |



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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66717003

Status as of 7/27/2022 12:18 PM MST

Associated Case Party: LOWE'S HOME CENTERS, L.L.C.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|-----------------------|--------|
| Robin Gant | | rgant@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |
| Joseph Casseb | | jcasseb@mayerllp.com | 7/27/2022 10:55:33 AM | SENT |



**IN THE 34th JUDICIAL DISTRICT COURT
IN EL PASO COUNTY, TEXAS**

HECTOR FLORES,

Plaintiff,

vs.

**LOWE'S HOME CENTERS, L.L.C.
a/k/a LOWE'S d/b/a LOWE'S HOME
IMPROVEMENT #1137,**

Defendant,

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Cause No.: 2022-DCV-1588

CERTIFICATE OF SERVICE

I hereby certify that on this date the following documents were served via email to counsel for Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137:

1. Plaintiff's Interrogatories to, Defendant
2. Plaintiff's Request for Production to Defendant
3. Plaintiff's Certificate of Service

Respectfully submitted,

LAW FIRM OF DANIELA LABINOTI, P.C.

707 Myrtle
El Paso, Texas 79901
(915) 581-4600
(915) 581-4605
Daniela@LabinotiLaw.com

/s/ Daniela Labinoti
DANIELA LABINOTI
State Bar No. 24050900



CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July 2022, a true and correct copy of the foregoing document was delivered to:

Robin R. Gant
Zach T. Mayer
Joseph E. Casseb
Mayer, L.L.P.
750 North Saint Paul Street, Suite #700
Dallas, Texas 75201
1(214)379-6900- Telephone
1(214)379-6939- Facsimile
rgant@mayerllp.com
zmayer@mayerllp.com
jcasseb@mayerllp.com
*Attorney for Defendant Lowe's Home
Centers, L.L.C. d/k/a Lowe's d/b/a
Lowe's Home Improvement #1137*

/s/ Daniela Labinoti
DANIELA LABINOTI

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY *[Signature]* Deputy

AUG 11 2022



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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66501797

Status as of 7/20/2022 12:22 PM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|-----------------------|--------|
| Daniela Labinoti | | daniela@labinotilaw.com | 7/20/2022 12:09:00 PM | SENT |
| Danny Leal | | danny@labinotilaw.com | 7/20/2022 12:09:00 PM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 7/20/2022 12:09:00 PM | SENT |
| Bianca Martinez | | biancam@labinotilaw.com | 7/20/2022 12:09:00 PM | SENT |



Automated Certificate of eService

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Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66501797

Status as of 7/20/2022 12:22 PM MST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------------|-----------|------------------------------|-----------------------|--------|
| Tramaine Francis-Luster | | TFrancis-Luster@mayerllp.com | 7/20/2022 12:09:00 PM | SENT |



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Daniela Labinoti on behalf of Daniela Labinoti

Bar No. 24050900

daniela@labinotilaw.com

Envelope ID: 66501797

Status as of 7/20/2022 12:22 PM MST

Associated Case Party: LOWE'S HOME CENTERS, L.L.C.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|-----------------------|--------|
| Robin Gant | | rgant@mayerllp.com | 7/20/2022 12:09:00 PM | SENT |
| Joseph Casseb | | jcasseb@mayerllp.com | 7/20/2022 12:09:00 PM | SENT |



CAUSE NO. 2022DCV1588

HECTOR FLORES,

Plaintiff,

v.

LOWE'S HOME CENTERS, L.L.C. a/k/a
LOWE'S d/b/a/ LOWE'S HOME
IMPROVEMENT #1137,

Defendant.

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IN THE DISTRICT COURT

EL PASO COUNTY, TEXAS

34th JUDICIAL DISTRICT COURT

**DEFENDANT LOWE'S HOME CENTERS, L.L.C. A/K/A
LOWE'S D/B/A LOWE'S HOME IMPROVEMENT #1137's**
(incorrectly named)
ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION

Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME
IMPROVEMENT #1137 *(incorrectly named)* hereby files its Original Answer to Plaintiff's
Original Petition as follows:

I.
GENERAL DENIAL

1. Defendant denies each and every, all and singular, the material
allegations contained within Plaintiff's pleading and demands strict proof thereof.

II.
JURY DEMAND

2. In accordance with Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE,
Defendant demands a trial by jury and hereby tenders the applicable jury fee with
its Answer.



III.
PRAYER FOR RELIEF

3. Defendant prays that Plaintiff take nothing by this lawsuit, that Defendant go hence with its costs without delay, and for such other relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

MAYER LLP

750 North St Paul Street, Suite 700
Dallas, Texas 75201
214.349.6900 / F: 214.379.6939

By: /s/ Robin R. Gant

Robin R. Gant

State Bar No. 24069754

E-Mail: rgant@mayerllp.com

Zach T. Mayer

State Bar No. 24013118

E-Mail: zmayer@mayerllp.com

Joseph E. Casseb

State Bar No. 24125751

E-Mail: jcasseb@mayerllp.com

Attorneys for Defendant

Lowe's Home Centers, LLC

a/k/a Lowe's d/b/a

Lowe's Home Improvement #1137

(incorrectly named)

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk

BY Rose May

Deputy

AUG 11 2022



CERTIFICATE OF SERVICE

This is to certify that on June 27, 2022, a true and correct copy of the foregoing
has been forwarded to all counsel of record as follows:

Daniela Labinoti
Law Firm of Daniela Labinoti, P.C.
707 Myrtle Avenue
El Paso, Texas 79901

Attorneys for Plaintiff

- ☐ E-Mail (daniela@labinotilaw.com)
- ☐ Hand Delivery
- ☐ Facsimile
- ☐ Overnight Mail
- ☐ Regular, First Class Mail
- ☒ E-File and Serve
- ☐ E-Service Only
- ☐ Certified Mail/Return Receipt Requested

/s/ Robin R. Gant
Robin R. Gant



Automated Certificate of eService

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Lisa Henson on behalf of Robin Gant
Bar No. 24069754
lhenson@mayerllp.com
Envelope ID: 65797900
Status as of 6/27/2022 12:12 PM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|-----------------------|--------|
| Daniela Labinoti | | daniela@labinotilaw.com | 6/27/2022 11:23:02 AM | SENT |
| Danny Leal | | danny@labinotilaw.com | 6/27/2022 11:23:02 AM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 6/27/2022 11:23:02 AM | SENT |
| Bianca Martinez | | biancam@labinotilaw.com | 6/27/2022 11:23:02 AM | SENT |

Associated Case Party: LOWE'S HOME CENTERS, L.L.C.

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|-----------------------|--------|
| Robin Gant | | rgant@mayerllp.com | 6/27/2022 11:23:02 AM | SENT |
| Joseph Casseb | | jcasseb@mayerllp.com | 6/27/2022 11:23:02 AM | SENT |

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|-------------------------|-----------|------------------------------|-----------------------|--------|
| Tramaine Francis-Luster | | TFrancis-Luster@mayerllp.com | 6/27/2022 11:23:02 AM | SENT |



CAUSE NO. 2022DCV1588

HECTOR FLORES
Plaintiff(s),

v.

LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S
d/b/a LOWE'S HOME IMPROVEMENT #1137
Defendant(s).

IN THE 34TH DISTRICT COURT

OF

EL PASO COUNTY, TEXAS

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AFFIDAVIT OF SERVICE

I, Luis J. Perez, being duly sworn, state:

I am not a party to or interested in the outcome of this suit.

I received the following documents on June 6, 2022 at 2:12 pm. I delivered these documents on LOWE'S HOME CENTERS, L.L.C in Travis County, TX on June 6, 2022 at 2:59 pm at 211 E 7th St, Suite 620, Austin, TX 78701 by leaving the following documents with Kenisha Gross who as Intake Specialist at Corporation Service Company is authorized by appointment or by law to receive service of process for LOWE'S HOME CENTERS, L.L.C.

Citation
Plaintiff's Original Petition

Additional Description:

I delivered the documents to Kenisha Gross, intake specialist for Registered Agent Corporation Service Company.

Black or African American Female, est. age 32, glasses: N, Black hair, 160 lbs to 180 lbs, 5' 6" to 5' 9".

Geolocation of Serve: <http://maps.google.com/maps?q=30.268504248,-97.7407952342>

Photograph: See Exhibit 1

My full name is Luis J. Perez. My date of birth is 6/18/1962. My address is P.O. Box 6887, Round Rock, TX 78683.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County,
TX on 6/10/2022.

/s/ Luis J. Perez

Luis J. Perez - (512) 626-3350
Certification Number: PSC-9774
Expiration Date: 6/30/2024

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY [Signature] Deputy



Exhibit 1



Exhibit 1a)

Automated Certificate of eService

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Daniela Labinoti on behalf of Daniela Labinoti
Bar No. 24050900
daniela@labinotilaw.com
Envelope ID: 65371521
Status as of 6/13/2022 11:30 AM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|-----------------------|--------|
| Daniela Labinoti | | daniela@labinotilaw.com | 6/13/2022 10:10:19 AM | SENT |
| Danny Leal | | danny@labinotilaw.com | 6/13/2022 10:10:19 AM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 6/13/2022 10:10:19 AM | SENT |
| Bianca Martinez | | biancam@labinotilaw.com | 6/13/2022 10:10:19 AM | SENT |



THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org"

TO: **LOWE'S HOME CENTERS, L.L.C.**, who may be served with process by serving its registered agent, **CORPORATION SERVICE COMPANY d/b/a CSC-LAWYERS INCO.**, or any other authorized officer or agent therein at **211 E. 7th Street, Suite #620, Austin, Texas 78701** and/or wherever they may be found.

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **34th Judicial District Court**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 26th day of May, 2022 by Attorney at Law, DANIELA LABINOTI, 707 MYRTLE AVENUE, EL PASO, TX 79901, in this case numbered **2022DCV1588** on the docket of said court, and styled:

HECTOR FLORES

VS.

LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 6th day of June, 2022.

CLERK OF THE COURT

NORMA FAVELA BARCELEAU
District Clerk
Enrique Moreno County Courthouse
500 E. San Antonio Ave, RM 103
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk
El Paso County, Texas

By: KMartinez, Deputy
Kathryn Martinez

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk

By: Kathryn Martinez
Deputy



AUG 11 2022

RETURN

Came on hand on _____ day of _____, 20____, at _____ o'clock _____ M., and executed in _____ County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the **Plaintiff's Original Petition**, at the following times and places, to-wit:

| NAME | DATE | | | TIME | | | Place, and Course and Distance |
|------|-------|-----|------|------|------|---------|--------------------------------|
| | MONTH | DAY | YEAR | Hour | Min. | ____.M. | From Court House |
| | | | | | | | |
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| | | | | | | | |
| | | | | | | | |
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And not executed as to the defendant, _____

The diligence used in finding said defendant, being _____

And the cause of failure to execute this process is: _____

And the information received as to the whereabouts of the said defendant, being _____

FEES—SERVING _____ copy _____ \$ _____ Sheriff

_____ County, Texas

Total _____ \$ _____ by _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____,

_____ on the _____ day of _____,

20____, at _____ o'clock ____ m. this copy of this instrument.

_____, Sheriff/Agent

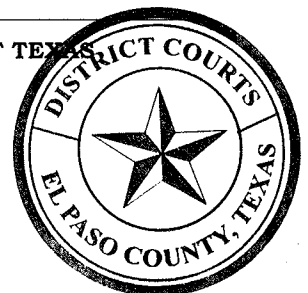
_____ County, Texas

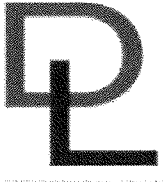
By _____, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE _____ DAY OF _____, 20____.

(SEAL)

NOTARY PUBLIC, STATE OF TEXAS





Law Firm of Daniela Labinoti P.C.

- Texas & New Mexico -

May 26, 2022

Via Texas E-Filing

El Paso County District Clerk's Office

Re: Issuance of Citations
Cause No.: 2022-DCV-_____
Filing Date: May 26, 2022
Type of Service:

1. **Citation for Outside Service** for Defendant Lowe's Home Centers, L.L.C. a/k/a Lowe's d/b/a Lowe's Home Improvement #1137

Dear Sir or Madam:

Please be advised I am requesting that citations be issued for the case styled *Hector Flores vs. Lowe's Home Centers, L.L.C. a/k/a Lowe's d/b/a Lowe's Home Improvement #1137*, for **service of process on Defendant**. Our office is requesting the following citation be issued in connection with Plaintiff's Original Petition, which was filed on May 26, 2022.

- **Citation for Personal Service on Defendant Derrick Tyron Washington.** Defendant Lowe's Home Centers, L.L.C. a/k/a Lowe's d/b/a Lowe's Home Improvement #1137 is a foreign for-profit corporation doing business in El Paso County, Texas, and may be served with process by serving its registered agent, CORPORATION SERVICE COMPANY d/b/a CSC-LAWYERS INCO., or any other authorized officer or agent therein at 211 E. 7th Street, Suite #620, Austin, Texas 78701 and/or wherever they may be found.

Please note that the requested citation for the above referenced matter should be emailed to the following email addresses:

biancam@labinotilaw.com daniela@labinotilaw.com suetta@labinotilaw.com

707 Myrtle Avenue, El Paso, Texas 79901
www.labinotilaw.com ♦ Email: Daniela@labinotilaw.com
Phone (915) 581-4600 ♦ Fax (915) 581-4605



As of January 1, 2021, the Texas Rules of Civil Procedure have changed and now require additional, specific language in the citation. Please be sure the citations include the following language:

The citation shall direct the defendant to file a written answer to the plaintiff's petition on or before 10:00 a.m. on the Monday next after the expiration of twenty days after the date of service thereof.

The citation shall include the following notice to the defendant: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

If you have any questions, please do not hesitate to contact my legal assistant Bianca C. Martinez at (915)581-4600 or by email at biancam@labinotilaw.com.

Respectfully submitted,

/s/ Daniela Labinoti

Daniela Labinoti
Attorney at Law

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY Rose May Deputy



AUG 11 2022

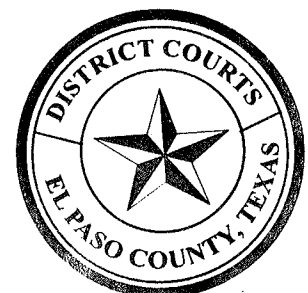
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Daniela Labinoti on behalf of Daniela Labinoti
Bar No. 24050900
daniela@labinotilaw.com
Envelope ID: 64898107
Status as of 5/27/2022 8:26 AM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|----------------------|--------|
| Bianca Martinez | | biancam@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Danny Leal | | danny@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Daniela Labinoti | | daniela@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |



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SERVICE COMPANY d/b/a CSC-LAWYERS INCO., or any other authorized officer or agent therein at 211 E. 7th Street, Suite #620, Austin, Texas 78701 and/or wherever they may be found.

III.
VENUE AND JURISDICTION

The subject matter in controversy is within the jurisdictional limits of this Court. The Court has jurisdiction over this matter in that Plaintiff is a Texas resident and Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137 does business in the State of Texas. Venue in El Paso County, Texas is proper in this cause under Section §15.002(a) of the Texas Rules of Civil Procedure because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in the county.

IV.
FACTUAL BACKGROUND

The injuries and damages suffered by Plaintiff HECTOR FLORES and made the basis of this action arose out of an incident which occurred on or about June 10, 2020, in El Paso County, Texas, specifically, at Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137's store located at 4531 Woodrow Bean Drive, El Paso, Texas 79924. This store is owned, run, and operated by Defendant LOWE's. As such, Plaintiff invokes the doctrine of *responseat superior* and/or vicarious liability.

On June 10, 2020, Plaintiff HECTOR FLORES was an invitee at the store in question. Plaintiff had entered Aisle 13 of Defendant LOWE'S #1137's property and was attempting to locate small drains for a project he had been completing. Plaintiff had knelt down to the floor to examine large bins, which were located at floor level, and that contained various drain coverings.



As Plaintiff FLORES was getting up from the floor, a large box fell out from a bin located on a shelf directly above Plaintiff and hit him in the face.

As a result of the incident, Plaintiff sustained severe injuries to his body.

At such time, Plaintiff was an invitee to whom Defendant owed a duty to use reasonable care, including the duty to protect and safeguard Plaintiff from unreasonably dangerous conditions on the premises and/or to warn of their existence.

The store in question is under the sole control of Defendant. Employees of Defendant are responsible for providing a safe place for customers. Defendant has a duty to keep their premise safe for invitees such as the Plaintiff. Defendant failed in this duty.

Defendant is vicariously liable for all acts/or omissions of negligence committed by their store managers, and any and all employees, officers, or agents of Defendant, which were the proximate cause of all damages suffered by Plaintiff.

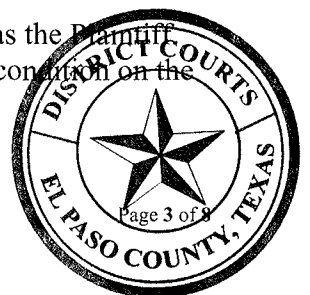
As a result of the occurrence, Plaintiff sustained substantial injuries and damages.

V.

PLAINTIFF'S CLAIMS OF PREMISE LIABILITY AGAINST DEFENDANT LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137

Plaintiff would show that her injuries and damages were caused by the negligence of Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137. Plaintiff would show that said Defendant LOWE'S #1137 owed him a duty of reasonable care, and Defendant's breach of such duty was a proximate cause of Plaintiff's injuries and damages. Defendant was negligent by breaching this duty to the Plaintiff in one or more of the following alternative theories of negligence:

1. Failure to maintain the property to prevent a danger to invitees such as the Plaintiff
2. Failure to properly inspect the property and eliminate the dangerous condition on the premise.



3. Failure to warn invitees of the potentially dangerous conditions.
4. Failure to implement safety precautions to prevent injuries to invitees.
5. Failure to assure that all employees complied with and followed all safety precautions to prevent injuries to invitees.
6. Failure to correct the dangerous conditions that existed on the premises for the time in question.
7. Negligent training and supervision by management and Defendant on the proper and safe procedures for handling stacking or displaying of merchandise in a safe manner on the premises.
8. Failure to put warning signs out for customers and invitees warning them of the dangerous condition.
9. Other negligence.

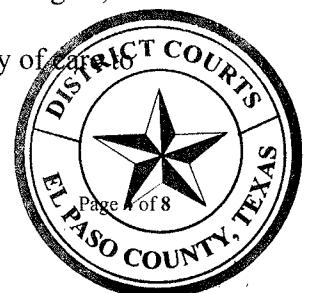
Each of which acts and/or omissions referenced above was other than what a reasonable and prudent person would have been doing under the same or similar circumstances and was a proximate cause of Plaintiff's injuries and damages.

It is foreseeable that failing to properly inspect and/or maintain the premises to discover and resolve the dangerous conditions, could cause harm to customers, and invites including the Plaintiff; nevertheless, Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137's employees ignored the risk and acted with reckless disregard to the safety of the public.

VI.

PLAINTIFF'S CLAIM OF VICARIOUS LIABILITY AGAINST DEFENDANT LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137

Alternatively, and without waiving the foregoing, Plaintiff would show that Defendant LOWE'S HOME CENTERS, L.L.C. a/k/a LOWE'S d/b/a LOWE'S HOME IMPROVEMENT #1137 is liable for the damages and injuries which were caused by the negligence and other wrongful conduct of its employees, agents, managers, officers, and/or representatives. Defendant LOWE'S #1137 is liable for the acts and/or omissions of their employees, agents, managers, officers, and/or representatives. In addition, Defendant LOWE'S #1137 owed a duty of care



Plaintiff because of Defendant's right of control, which arose through the course of dealing. Defendant LOWE'S #1137 is liable under the *respondeat superior*; master/servant, principal/agent.

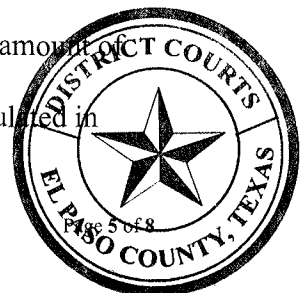
VII. PLAINTIFF'S DAMAGES

As a direct result of the occurrence, Plaintiff suffered bodily injuries. As a further result of the occurrence, Plaintiff has incurred expenses for medical care, nursing services, attention, and other expenses. These expenses incurred were necessary for the care and treatment of the injuries sustained by Plaintiff and the charges made and to be made were the usual and customary charges for such services. Plaintiff will require further medical care, nursing services, and attention, and will necessarily incur reasonable expenses in the future for such medical needs.

Plaintiff has suffered extreme pain and suffering in the past and Plaintiff will continue to suffer pain and suffering in the future. Plaintiff has suffered mental anguish in the past and will continue to suffer mental anguish in the future. As a result of the occurrence, Plaintiff has suffered and will continue to suffer impairment to his body. Plaintiff has suffered disfigurement. Additionally, Plaintiff has suffered from a loss of wages and a loss of earning capacity. As a result of the occurrence, Plaintiff has suffered within the jurisdictional limits of this Court and requests monetary relief **no more than \$74,500.00, exclusive of interest and costs, in this action, at any time.**

VIII. RELIEF REQUESTED

Pursuant to Tex. R. Civ. P. 47(c), Plaintiff is required to plead the maximum amount of damages sought, however, some damages are unliquidated and cannot be easily calculated in



monetary terms. In addition, discovery has not yet begun and the extend of Plaintiff's future damages is still being determined. At the early stage of the proceedings, Plaintiff requests that the jury be fair and reasonable in its determination of damages in an amount of relief **no more than \$74,500.00, exclusive of interest and costs, in this action, at any time.**

IX.
JURY DEMAND

Plaintiff respectfully requests a trial by jury of the issues of this case.

X.

Plaintiff hereby notifies Defendant that Plaintiff intends to use Defendant's discovery answers and responses, including any evidence produced in responses to such discovery, as evidence in trial in accordance with such right and privileges established by Tex. R. Civ. P. 193.7.

XI.
REQUEST FOR INITIAL DISCLOSURES TO DEFENDANT
DUTY TO DISCLOSE WITHIN 30 DAYS OF THE SERVICES.

PLEASE BE ADVISED THAT UNDER TEXAS RULE 194, YOU MUST PRODUCE AND PROVIDE THE REQUIRED DISCLOSURES WITHIN 30 DAYS OF SERVICE:

- (a) **Time for Initial Disclosures.** A party must make the initial disclosures within 30 days after the filing of the first answer or general appearance unless a different time is set by the parties' agreement or court order. A party that is first served or otherwise joined after the filing of the first answer or general appearance must make the initial disclosures within 30 days after being served or joined.
- (b) **Content.** Without awaiting a discovery request, Aa party may request disclosure of any or all of the following must provide to the other parties:
 - (1) the correct names of the parties to the lawsuit.
 - (2) the name, address, and telephone number of any potential parties;
 - (3) the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial)



- (4) the amount and any method of calculating economic damages;
- (5) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (6) a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the responding party has in its possession, custody, or control, and may use to support its claims or defenses, unless the use would be solely for impeachment;
- (7) any indemnity and insuring agreements described in Rule 192.3(f);
- (8) any settlement agreements described in Rule 192.3(g);
- (9) any witness statements described in Rule 192.3(h);
- (10) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (11) in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party; and
- (12) the name, address, and telephone number of any person who may be designated as a responsible third party.

194.3 Testifying Expert Disclosures.

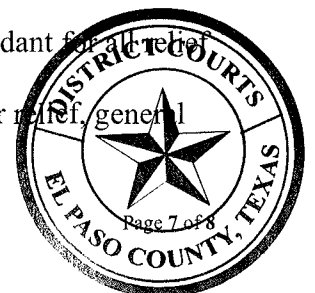
In addition to the disclosures required by Rule 194.2, a party must disclose to the other parties testifying expert information as provided by Rule 195.

Disclosures. Without awaiting a discovery request, a party must provide the following for any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information.
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party.

XII. **CONCLUSION AND PRAYER**

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer, and that on final trial, Plaintiff have judgment against Defendant for all relief requested, for costs, pre-judgment, and post judgment interest and for such other relief, general



and special, at law or in equity, to which Plaintiff is entitled to relief of **no more than \$74,500.00, exclusive of interest and costs, in this action, at any time.**

Respectfully submitted,

LAW FIRM OF DANIELA LABINOTI, P.C.

707 Myrtle Avenue

El Paso, Texas 79901

(915) 581-4600- Voice

(915) 581-4605- Fax

daniela@labinotilaw.com

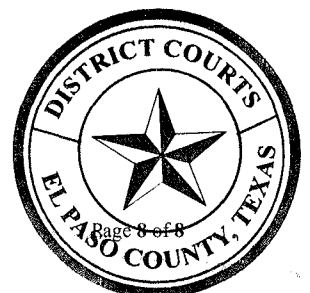
/s/ Daniela Labinoti

DANIELA LABINOTI

Texas State Bar Number: 24050900

A TRUE COPY, I CERTIFY
NORMA FAVELA BARCELEAU
District Clerk
BY *[Signature]* Deputy

AUG 11 2022



Automated Certificate of eService

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Daniela Labinoti on behalf of Daniela Labinoti
Bar No. 24050900
daniela@labinotilaw.com
Envelope ID: 64898107
Status as of 5/27/2022 8:26 AM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|----------------------|--------|
| Bianca Martinez | | biancam@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Danny Leal | | danny@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Daniela Labinoti | | daniela@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |



CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

Norma Favela Barcealeu

District Clerk

STYLED: **HECTOR FLORES VS. LOWE'S HOME CENTERS, L.L.C. A/K/A LOWE'S D/B/A LOWE'S HOME IMPROVEMENT #1137**El Paso County
2022DCV1588

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

| | | | | |
|---|--|--|--|---|
| Name: Daniela Labinoti Address: 707 Myrtle Avenue City/State/Zip: El Paso, Texas 79901 Signature: <u>/s/ Daniela Labinoti</u> | | Email: Daniela@labinotilaw.com Telephone: (915) 581-4600 Fax: (915) 581-4605 State Bar No: 24050900 | Plaintiff(s)/Petitioner(s): Hector Flores Defendant(s)/Respondent(s): Lowe's Home Centers, L.L.C. a/k/a Lowe's d/b/a Lowe's Home Improvement #1137 [Attach additional page as necessary to list all parties] | <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____ |
|---|--|--|--|---|

2. Indicate case type, or identify the most important issue in the case (select only 1):

| Civil | | | Family Law | |
|--|--|---|--|---|
| Contract <i>Debt/Contract</i> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ <i>Foreclosure</i> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____ | Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input checked="" type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____ | Real Property <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____ | Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____ | Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____ |
| Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____ | Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____ | | | |
| Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax | Probate & Mental Health <i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____ | | | |

3. Indicate procedure or remedy, if applicable (may select more than 1):

| | | |
|---|---|---|
| <input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action | <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment | <input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover |
|---|---|---|

4. Indicate damages sought (do not select if it is a family law case)

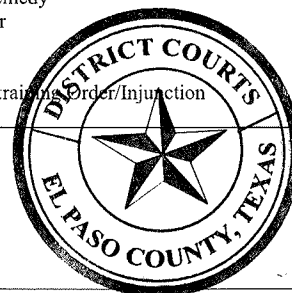
- ☐ Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
☒ Less than \$100,000 and non-monetary relief.
☐ Over \$100,000 but not more than \$250,000.
☐ Over \$250,000 but not more than \$1,000,000.
☐ Over \$1,000,000

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 NORMA FAVELA BARCEALEU
 District Clerk

BY

Deputy

AUG 11 2022



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Daniela Labinoti on behalf of Daniela Labinoti
Bar No. 24050900
daniela@labinotilaw.com
Envelope ID: 64898107
Status as of 5/27/2022 8:26 AM MST

Associated Case Party: HECTOR FLORES

| Name | BarNumber | Email | TimestampSubmitted | Status |
|------------------|-----------|-------------------------|----------------------|--------|
| Bianca Martinez | | biancam@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Danny Leal | | danny@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Daniela Labinoti | | daniela@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |
| Suetta Carder | | suetta@labinotilaw.com | 5/26/2022 2:13:21 PM | SENT |

